

Statewide Public Meetings
Size Limits and Other Regulations
for Marine Species
January – March 2009



State of Hawaii
Department of Land and Natural Resources
Division of Aquatic Resources

Statewide Size Limit Public Meetings
Survey Summary
January & February 2009

Between January & March 2009, the Division of Aquatic Resources (DAR) conducted eleven public meetings Statewide to discuss size limits and their use as a fisheries management tool. We asked the public their thoughts about size limits, what support, if any, is there for this, which species should have size limits, should there be separate regulations for commercial and non-commercial fishers, etc. Discussions focused on three main marine fish groups – goatfishes, parrotfishes, and jacks, asking specific questions about current regulations, potential changes to minimum size regulations, including both currently regulated and non-regulated species.

This report summarizes the comments received from all meetings. These meetings did not follow a standard format. Some meetings, because of how they were conducted, did not record detailed comments. Meetings that did not have detailed notes are summarized. Other meetings had written surveys with measurable results and are presented here. We hope the reader will get a general idea of the range of comments received so they might be better informed.

The term L50 or L₅₀ means the size, usually in terms of length, at which half of the fish sampled were sexually mature.

The meetings were held as follows:

- 1) Maui, on January 14th at the Maui Waena Elementary School from 5:30-8:30 P.M.;
- 2) Kona, on January 15th at the West Hawaii Fisheries Council meeting, February 3rd at Kealakehe High School, February 25th in Keeau – North Kona, March 30 Kona Palisades – North Kona, and April 28 in Captain Cook;
- 3) Hilo, on January 27th at the County of Hawaii Aupuni Center from 6:00-8:30 P.M.;
- 4) Oahu, on January 29th at Castle High School, on February 5th Kawanānākoa Middle School, on February 12th Waimalu Elementary School, and on February 19th Waianae Public Library, all from 6:30-8:30 PM;
- 5) Kauai, on January 30th at the Kauai Community College from 6:00-8:30 P.M.
- 6) Molokai, on February 10, 2009; and
- 7) Lanai, on March 5, 2009 at the Lanai Public Library.

Maui

The DAR – Maui public meeting at the Maui Waena Elementary School started with a presentation, which is attached at the end of this document as Appendix 1. Following the presentation, the large group was broken up into facilitated small group meetings. A summary of the small group comments is provided here and also attached as Appendix 2.

Comments on Minimum Sizes

- For the most part, the Maui residents supported the minimum size regulations for almost every species that is currently harvested.
- Maui supported using the L50 for these size regulations, but felt that set size categories should be used and it should be kept as simple as possible. (ie. Sizes like 5", 7", 10", 12", 14", or 16")
- There was some limited support for slot limits, but most did not like this approach.
- Overall, nearly everyone felt that minimum size regulations would not really help protect the nearshore fish populations, but bag limits and seasons would be more effective.

Comments on bag limits

- There is support for bag limits
- Most people felt that the bag limits should apply equally to all fishers, (commercial, subsistence, or recreational).
- Suggested limits seemed to fall into four categories (2 fish, 5-6 fish, 20 fish, 50 fish)
- There is also support for total bag limits, including DOCARE.
- Several people suggested the concept of possession limits instead of bag limits, citing enforceability.

Suggested Bag Limit Examples

- Most Restrictive (2 fish): uhu, kumu, moana kali, munu, awa, oio, ulua, mu, nohu, uku.
- Less Restrictive (5-6 fish): papio, moi, uku, mullet, nenu, naso tangs, large surgeons (palani & pualu, naenae), small goatfish (moana, weke, weke ula, etc.)
- Proactive protections (20 fish): menpachi, aholehole, small surgeons (manini, kole, maikoiko, pakuikui), small goatfish, nenu, oama.
- Small fish (50 fish): oama, halalu,
- Nehu (1 quart)
- Alternative: total catch limit of 25, with some 2 & 5 fish limits as well.
- No need to regulate awaaua (ladyfish), but all others could be regulated with at least minimum size rules.
- Nabeta (Razor wrasse) and Po'o pa'a (Hawkfish)

Commercial Vs. Recreational/subsistence

- Nearly everyone surveyed or who provided comments opposed special exemptions for commercial fishers. Rules should apply equally to commercial and/or recreational fishers.

- Most attendees also felt that reef fish species should not be allowed to be commercially harvested and sold at all.
- One commercial nearshore net fisher provided the following comments:
 - Commercial fishers provide fish to those who can't catch their own fish.
 - Strict bag limits will mean no one will have enough fish to share, and that only fishermen will have fish to eat
 - A better plan would make more use of "Kapu Seasons" instead of bag and size limits

Hawaiian Subsistence / Cultural take

- Many Hawaiian fishing practitioners liked the idea of "Kapu Seasons"
- Some felt marine managed areas were a good approach, but only with the direct consultation and/or request of the practitioners in the area
- Many Hawaiians from remote/small fishing communities wanted very restrictive fishing regulations

Uhus

- No night spearing
- No spearing on SCUBA
- No use of nets or traps
- Increase the size limit and create bag limits (2 fish possession limit)

Goatfish

- Remove market value (no sale),
- Add moana kali, and munu to the restrictions, and
- Create a bag/possession limit of (2 each) for kumu, moana kali, and munu.

Jacks

- Strong support for a marine recreational sports fish designation with no sales allowed
- Slot limits
- Pole fisher limits (2 poles per person)
- Increased size limits; and possible season closures were all proposed
- Bag limits of 5-6, with no more than 2 ulua's proposed
- Weekly ulua bag limits also discussed

General Comments

- No scuba spearfishing allowed
- Higher fines and stricter penalties for violators
- Publicize natural resource violations in the local papers (shame offenders)
- More use of seasonal restrictions "Kapu Seasons"
- No night fishing and/or scoop netting for oama
- More fish enhancement / stock enhancement projects
- Protect estuaries (make them off limits to all fishing)

- Increase the CMLS fee to \$500 or more
- More enforcement (especially at night, weekends, and holidays)
- Create an environmental court to deal with violators of fishery laws
- Use the informers fee to encourage reporting of violations by the public
- Create a recreational fishing license
- Require a fishing license for take of all species of marine organisms except for the take of alien species
- Prohibit illegal buying of marine resources as well as sales
- Create more and larger no-take reserves (but exempt cultural practices within these areas)
- Create more herbivore protection areas (some suggest the entire leeward coast of Maui)
- Provide special protection for all schooling species of fish
- No harvest of marine life with any of the following; fish traps, dive gear, wetsuits, SCUBA, and/or dive lights
- Have flexible seasonal closures with DAR staff monitoring fish stocks and making closure decisions
- Create slot limits for necessary species of fish
- Ban all fish feeding

West Hawaii

Fisheries Survey Final Summary – May 2009
(N = 89 Responses)

The Division of Aquatic Resources – Kona office had five meetings, starting with a presentation (Appendix 3) and made available to the public a written survey to gather comments. A summary of the survey results is provided here, with the full report attached as Appendix 4 at the end of this document and a summary attached as Appendix 5.

- 1) Should L50 be the basic standard for minimum size regulations of reef fishes?
Yes = 65 (79%) No = 17 (21%)
- 2) Are there some species which should not utilize L50 as the minimum size?
Yes = 38 (50%) No = 38 (50%)
- 3) Beyond the three families of priority species, are there other reef species that should have minimum size regulations?
Yes = 55 (72%) No = 21 (28%)
- 4) Should minimum size (and other) regulations be the same for recreational and commercial fishermen?
Yes = 67 (78%) No = 19 (22%)
- 5) Should the sale of reef species be prohibited and only taken for personal consumption?

Yes = 69 (80%) No = 17 (20%)

- 6) Should there be maximum size regulations (or slot limits) for fish in addition to minimum size regulations?

Yes = 71 (83%) No = 15 (17%)

- 7) Should there be bag limits for reef fishes?

Yes = 77 (90%) No = 9 (10%)

- 8) Should the following rules apply to blue/green male parrot fish:

Kapu (no take) = 32 (39%) Both size and bag limits = 42 (50%)

Size Limits = 4 (5%)

Bag Limits = 5 (6%)

- 9) Should additional No-Take Marine Protected Areas be established in West Hawaii?

Yes = 67 (78%) No = 19 (22%)

- 10) Should DAR focus only on minimum sizes at this time or should they also consider other management tools as noted above?

Just Minimum sizes = 16 (20%) **Other management tools (please list) = 66 (80%)**

Hilo

The public meeting was held in Hilo on the evening of January 27, 2009 in the State building's Aupuni Conference Room. A presentation was given, then the large group was broken into smaller groups to have more detailed discussions and get more specific comments. The presentation was similar to the one given in Maui and was attached as Appendix 1. The following is a summary of all group discussions. Some comments are contradictory because they were offered by different persons.

General remarks

- Need more enforcement, assign officers to specifically enforce fishing laws.
- Set min. size larger than L₅₀ size for limit
- Slot limit is better than minimum size limit
- Support size limits but not bag limits
- Should have different bag for each species
- Need more info on size limits by species
- Need to address invasive species problem
- Consider license to fish with money raised to fund education
- Consider education class before can get fishing license
- Promote catch and release
- Promote Kapu system
- Need different bag limits for commercial and non-commercial
- Protect all fish during breeding
- Only take what can eat in one week, no freezing

Jacks

- Use yearly bag limit instead of daily
- Use slot limit, no limits outside of slot
- Make different regulations for each county
- Limit of five per day
- Make different bag for whites and blues
- Increase min size to L_{50}
- No need to regulate kihikihi (Kagami)
- Should increase min size to 12" for take, 18" for sale
- Barred jack can be less than current 10" min size
- Min size of 10" for take and 16" for sale, except for dobe and omaka

Goatfish

- Set 10" minimum size for all goatfish
- Kumu bag <5 and increase minimum size to 12"
- Moano bag 25 increase size to 10" with different size for shore vs boat fishing
- Moano kea need bag and size limits
- Set Kumu size to L_{50}
- Make size & bag limits for all goatfish
- All unregulated goatfish should have 4" min size
- No min size for goatfish

Uhu

- Need bag limit <10
- Size limit for sale should be larger than size to take
- Uhu uliuli (spectacled) no take; Palukaluka no take
- Make min size for panunu and ponuhunuhu
- Ban sale of all uhu
- Ban take of terminal phase males
- No min size
- Need bag limits
- No taking of males

Surgeonfish

- Make size and bag limits for Kole, Hawaiian Kole, & manini
- Make size limit for all surgeons at L_{50} and make commercial size limits
- Make min size for Achilles tang
- Make bag limits for manini & palani
- Ban sale of manini

Misc

- Moi should have bag of <10 and increase size to 15"; leave moi regulations alone; no min size but no take >15"; no take females
- Aholehole should increase to 7"; make bag limit; make different regulations for commercial and recreational
- Menpachi should regulate commercial but not non-commercial
- Uku needs commercial regulations; min size 20", rec bag <5, not sure for commercial

- Make min size for all wrasse at L₅₀; no regulations needed for wrasse
- Need bag limit for nabeta
- No netting for akule
- Awa no netting and make min size
- Awa aua no regulations needed
- Aweoweo needs size (7") and bag limits
- Make size limits for mu (14"), nohu (12"), nenua, menpachi (7")
- No spotter planes
- Make bag limit for nenua, oio, menpachi (<60). akule
- Make spear limit for uku and sale min size at 5 pounds; min size 2 pounds to take
- No night spear fishing, no SCUBA spear fishing; only 9 ft pole spear < 110
- Ban sale of reef fish
- Make poundage limits for commercial fishers
- Ban take of yellow nenua

Oahu

During January & February 2009, DAR conducted four public meetings on Oahu to discuss size limits and their use as a fisheries management tool. We asked the public for their thoughts about size limits, whether there was support for size limits, which species should it apply to, should there be separate regulations for commercial and non-commercial fishers, etc. There was little or no discussion on bag limits on Oahu.

The meetings were held from 6:30-8:30 PM at Castle High School on January 27th, Kawanakoa Middle School on February 5th, Waimalu Elementary School on February 12th, and Waianae Public Library on February 19th. Public meetings were also held on the neighbor islands.

A Powerpoint© presentation was given first, followed by a discussion with the attendees, and lastly, an explanation of the survey form. A copy of the Powerpoint presentation is attached as Appendix 6, the full report of the survey results is provided as Appendix 7, and a summary of the meeting notes is attached as Appendix 8. The presentation changed in subsequent meetings to better answer questions, focus discussions on certain topics, and to make the best use of the limited meeting time, so only the first presentation is provided because this version had the most written information.

For example, the first version of the presentation included too much data that took time away from the public discussions. Because the main purpose of the meetings was to gather public input, the presentation was shortened to leave more time for discussions.

Attendance records for the four meetings indicated over 100 persons signed in and 108 surveys were returned to us. A summary of the important points follows:

- Survey respondents were 61% recreational fishers and 25% commercial fishers.
- Most respondents said they fish because they enjoy fishing (37%) or fish for food (34%).
- Most respondents felt fishing either got worse (51%) or stayed the same (46%) within the last five years.

- Half of the respondents felt more regulations are needed.
- Most respondents either felt the presentation was informative (43%) or didn't make a difference (45%).
- The majority (67%) of respondents support the concept of minimum sizes but only 38% support maximum sizes.
- Respondents were split on whether there should (46%) or shouldn't (44%) be separate size limits for commercial and non-commercial fishers. More commercial fishers felt separate regulations should be made for them because they fish differently from recreational fishers. Recreational fishers felt the same regulations should apply to all for simplicity.
- There is no clear majority of support for minimum size changes for any of the three DAR-identified, priority groups (goats, parrots, and jacks) among respondents. Of those respondents selecting a preference, goats and parrots are tied (27%).
- Commercial fishers felt that regulations should be focused on specific species rather than families or general groups.
- Recreational fishers felt that regulations should be grouped to make them easier to understand and enforce, even if some species didn't need the regulation.
- Most respondents felt the current minimum sizes for goats, parrots, and jacks should stay as they are, although there is some support for raising the minimum size for white papio.
- There appears to be some support for establishing minimum sizes for moano kali, munu, weke ula, and malu.
- There appears to be some support for establishing minimum sizes for the sleeping uhus (47-54%) but there are some that don't support this idea (30-34%).
- There appears to be some support (30%) for establishing minimum sizes for the four unregulated jacks although an equal number (30%) opposed to such an idea.

The most common comment offered was the need for more enforcement.

Kauai

The public meeting on Kauai was held on January 30th at the Kauai Community College from 6:00-8:30 P.M. The following is a summary of this and other meetings on the island.

Comments/Recommendations from meeting with Kauai DOCARE (3 September 2008);

- Need to correct the inconsistencies in the rules and regulations governing the taking of striped mullet (*Mugil cephalus*) because the rule refers to “all mullet”, which would include the sharpnose mullet or uouoa (*Neomyxus leuciscus*), and other species;
- Definition of “gill net” in rules is incomplete, since gill nets catch fish by two other methods (i.e., wedging and entanglement) and not just “caught by the gills” (see Nielsen and Johnson 1983, Fisheries Techniques);
- Need better biologically-based definition of “halalu” since at the existing size of 8.5 in.FL all fish are sexually immature; the
- Size-definition of “halalu” should be changed to “fish less than 9.5 in. FL”, since size at first spawning is 9.5 inches FL; currently we are targeting sexually immature fish during the primary recruitment months of July-October; the sale of all halalu (akule under 9.5 in. FL) should be prohibited since the existing rule that allows the sale of up to 200 lbs of akule under 8.5 inches FL per day during the recruitment season (July thru October) is not easy to enforce and is “anti-conservation”;
- Akule net rules/regs that allow holding akule in bag net for three days is wasteful because many fish are mortally wounded and will die and be wasted; need to amend rule to allow akule to be held in bag net for no longer than 24 hours (first recommended by Gordon Kaluahine in 1986); also, need to ban the commercial sale of halalu and redefine halalu as sexually immature akule <9.5in.TL;
- Existing fines for fisheries violations are far too low, too inexpensive and do not represent a significant deterrent to violations; need to significantly increase fines for violations;
- Proposed opihi “closed-season” makes no sense and will be difficult to enforce; prohibiting commercial sale and establishing a reasonable and easy to measure/quantify daily bag-limit would promote conservation and help stocks recover.
- DAR needs to clearly define “by-catch” and stress reduction methods, particularly with endangered species

Comments/Recommendations from community meetings:

- Depletion of nearshore reef fisheries is from commercial fishing, not from recreational fishing; coastal fisheries should be managed by coastal communities to benefit them; take only what fish you need for your family and prohibit the sale of reef fish
- Inadequate enforcement of existing fishing rules and regs
- Need significantly higher fines to deter fishery conservation violations
- Need both size-limit and daily bag-limit conservation rules, size-limits alone inadequate; in some cases need to also ban commercial sale
- Size-limits should assure reproductive success of more than 50% (larger than L50; at least L90)
- Ban spearfishing at night and using SCUBA

- Prohibit sale of all nearshore fishery resources except akule and opelu; manage nearshore fisheries to benefit local watershed communities
- Need definition and differentiation between “river” and “stream” since gill nets are prohibited in one but not the other; the Water Code inadequately defines “river” or “stream”; recommended definition:
 “A river discharges into the ocean; a stream discharges into a river. A river or stream is that portion of a lotic ecosystem that is inundated with water on the average 2 year flood frequency, which is slightly higher than bankfull discharge. This would include the riparian zone as part of the Public Water Trust”
- Should not allow non-citizens to fish or to obtain fishing licenses
- Water pollution coming from urban stormwater runoff and from golf courses
- Long term research and monitoring is needed to help protect and to restore fish stocks and their habitats
- Seals are eating all the fish and the seals should be removed to isolated islands like Palmyra
- Open fishing season for green turtle (kane only) with bag-limit of 1/yr (native Hawaiians by permit only)
- Need roving and port-of-landing collection of catch and effort data from commercial and non-commercial fishers
- During spawning seasons of highly targeted species, fish catch should be prohibited (e.g., moi)
- Day he’e should be conserved thru a daily bag-limit, since the existing minimum size-limit (1 lb) has no biological basis (e.g., L50 is 2-3 lbs), is difficult to measure and to enforce
- Adopt the traditional “kapu” system, where if a resource becomes depleted a temporary kapu is establish until resource abundance recovers
- Support the re-adoption of the traditional ahupua’a/konohiki and community-based management of coastal fishery resources, including the aha councils
- Require recreational fishers to obtain an annual “Recreational Fishing Permit” (free or nominal fee) which would allow better access to catch/effort data, to a better valuation of recreational fisheries, and to more equitable allocation decisions to be made

Molokai

The public meeting on Molokai was held on February 10, 2009 to discuss size limits and other regulations. Fourteen persons attended, including the two Molokai Island DOCARE officers. Of these present, 6 were identified as being more than casual fishermen.

A short Power Point presentation was made to introduce the purpose of the meeting to the audience. At the conclusion of the presentation, comments were solicited and hereby listed:

- (1) Regarding the perceived notion that there exist a decline in the near shore

marine resources

- a. It was generally acknowledged that the current state of affairs on the island of Molokai is not as dire as it is made out to be. To this day, any competent fisherman can still catch enough to satisfy personal needs. It is more likely that inexperience be the cause of someone not being able to catch fish on Molokai, and not that resources are lacking;
- b. It was the consensus that fish resources on the north side of the island is somewhat consistent with past experience; However, it is apparent that the continual degradation of the south shore reef by land runoff has altered near shore habitats thus causing the displacement of certain fish species;
- c. It is common knowledge that DAR's commercial fish catch reports do not necessarily represent the actual efforts of fishermen. Thus, suspicions were cast as to why this data is being used to demonstrate the perceived decline in Hawaii's fisheries;
- d. It was conceded that certain goatfish species may not be as encountered these days as in the past, but this was attributed to their high commercial value, which in turn make them highly targeted species;
- e. The claim that there is a decline in the marine resources appears to be the agenda of certain groups to prohibit fishing, and that the problem may be one of user conflict rather than resource abundance

(2) Regarding bag limits:

- a. The establishment of bag limits will inhibit the cultural practice of catching enough to share with ohana members not capable of fishing on their own;
- b. The discussion of bag limits should be held in abeyance until status of certain legislative bills (HB670 and SB1199) is resolved. HB670 and SB1199 purport to establish a "subsistence fishing area" surrounding the entire island of Molokai and that current fishing regulations modified in order to compliment this goal.

(3) Regarding size limits of certain marine fishes:

- a. Based on DAR's presentation, it may be more advantageous *not* to set minimum sizes for certain species but rather maximum sizes instead;
- b. Undersized fish are sometimes utilized as bait to catch larger fish
- c. The discussion of bag limits should be held in abeyance until status of

HB670 and SB1199 are resolved.

- (4) Miscellaneous:
 - a. Upon the disclosure of HB670 and SB1199 during the course of the meeting, attendees unanimously suggested to hold in abeyance further discussion of establishing any fishing rules until the future of these measures be decided upon; It was the opinion of those present that should these legislative initiatives be achieved, existing fishing rules will need to be modified and perhaps even new rules developed. At such a time, many of today's meeting concerns will be addressed.
 - b. It was opined that DAR's attempt to promulgate fishing regulations is typical of its shortsightedness; it seemed that DAR continues to restrict fishing opportunities while at the same time ignore the huge environmental disaster caused by their introduction of the *taape*;
 - c. DAR should implement more fish enhancement projects to make up for the perceived resource shortfalls on other islands;
 - d. DAR needs to present data that is more widely acceptable before making rules regulating the marine resources;
 - e. A major weakness of the current regulations is its inability to curtail the actions of non-residents from fishing practices inconsistent with the Island's subsistence norms;
 - f. It makes little sense to promulgate additional fishing regulations if current regulations are not or cannot be enforced;
 - g. Native gathering rights should not be ignored in the formulation of any DAR fishing rules.
- (5) One anonymous phone call asked that fishing seasons be established for individual species rather than bag limits or minimum sizes.

Lanai

The public meeting on Lanai was held on Thursday, March 5, 2009 at the Lanai Public Library. A total of 10 persons attended and included:

- (1) Current DOCARE officer
- (2) Retired DOCARE officer
- (3) Aha Kiole Council representative
- (4) Residents (2)
- (5) Active fishers (2)

The meeting began promptly at 5 pm. After an introduction on the issues at hand, those present offered the following salient points for consideration to DLNR:

Parrotfish

- (1) Unanimously suggested to ban night diving for *uhu*
- (2) Unanimously suggested that a bag limit of 2 *uhu* per trip be instituted, to include commercial as well as recreational & subsistence fishers
- (3) Did not offer any recommendation as to minimum size or season

Goatfish

- (1) Inferred that *weke a'a* (i.e. “white” weke) stock appeared healthy
- (2) Some suspicion that *kumu* stocks may be on the decline
- (3) Uniformly agreed that *moana kale* not particularly abundant, but this species never was known to be as common as others goatfishes; never seen to school as others in this family of fish
- (4) Did not offer any recommendation as to minimum size, bag limits, or seasons

Jacks

- (1) Unanimously suggested that DLNR abstain from altering current regulations regarding *papio/ulua* seeing as how the current regulations have only been in force for the past four years (or so); it was felt that not enough time has passed since the implementation of the new size requirement (from 7” to 10”) for any valid conclusions to be made, whether pro or con.
- (2) A suggestion was put forth to ban all gill-netting on Lanai because sometimes schools of baitfish were surrounded with gill nets not so much to catch the baitfish but rather the larger fish feeding on them, in some cases *papio/ulua*.

General suggestions/comments:

- (1) A suggestion was made that fishing on Lanai be limited to solely hook and line, i.e. all other forms of fishing from netting, spearing, traps, etc. be banned.

- (2) A precise definition of “lobster net” needs to be included in the State’s statutes;
- (3) The complete banning of gill-nets for Lanai not supported by the Aha Kiole representative present at meeting
- (4) Unanimously agreed upon by all that those in attendance do not represent the fishing community at large on Lanai.